

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – STRUCTURAL SAFETY (DSA-SS)**

**REGARDING ADOPTION OF AMENDMENTS TO THE 2013 CALIFORNIA GREEN BUILDING
STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PART 11**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

DSA-SS finds that revisions have been made which warrant changes to the initial statement of reasons for the following sections as proposed for public comment based on comments received:

- **SECTION 306 [DSA-SS] VOLUNTARY MEASURES 306.1.2:** DSA-SS withdrew the proposed language for further study and the title reverted back to the original to align with this change.
- **SECTION 5.504 POLLUTANT CONTROL, 5.504.4.4 Carpet systems Item 5 and 5.504.4.6 Resilient flooring systems Item 3:** DSA in coordination with CBSC clarified the CA-CHPS criteria reference which is required in both sections. Previous language did not direct the code user to current or correct CA-CHPS credit criteria.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because this version of the green building standards proposed contains mandatory measures, DSA has determined that the proposed regulatory action could impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

45-DAY COMMENTS

COMMENTER: William Orr, California Collaborative for High Performance Schools (CA-CHPS) requested that Section 306.1.2 be withdrawn for further study.

RESPONSE: DSA agreed with comments and withdrew Section 306.1.2 regarding voluntary tiers.

COMMENTER: William Orr, Collaborative for High Performance Schools (CA-CHPS) on **Section 5.504.4.4 and 5.504.4.6** the commenter stated the CHPS criteria reference is not current. Mr. Orr offered correct language.

RESPONSE: DSA in coordination with CBSC concurs with Mr. Orr's comment and thanks him for his suggestion. See the discussion above for the Updates to the Initial Statement of Reasons. DSA proposed 15-day language to update the CA-CHPS reference and received no further comment.

COMMENTERS: Thomas Duffy of Coalition for Adequate School Housing (CASH) and Susan Stuart of Mobile Modular submitted comments in opposition to the proposed change to the application Section 105 specific to public elementary and secondary schools and community colleges to include projects that are "*new construction and site work on a new or existing site.*" Reasons include: fiscal burden to schools on existing sites, and seismic projects requirements.

RESPONSE: DSA reviewed the comments and made the decision to move forward with the proposed language without change. The commenters indicated this proposal would affect the funding for modernization projects; however, the current application of the green building standards for "*new construction on a new campus site or new construction on an existing site cleared of all existing structures*" has affected modernization projects known as "replacement-in-kind" which are existing sites cleared of all existing buildings after the construction of a new campus is built on the adjacent available site areas.

Additionally, most seismic projects are upgrades to existing buildings and these would not be subject to the green code standards. Many of the mandatory measures are already required by code and those measures that are new are either standard programming for schools, industry standard low volatile organic compound (VOC) products readily available, standard practice, or the benefits of the green standard outweigh the cost.

15 DAY COMMENTS

No comments were received by DSA-SS.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

As a code partially mandatory and partially voluntary for green building standards, it could have an effect. However, the mandatory measures proposed are generally of modest cost, and the benefits derived in terms of pollution reduction and the well-being of building users should outweigh the costs. An effort in this code cycle was taken by DSA to emphasize that voluntary measures outlined in Appendix A5 are entirely optional reach standards.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

DSA has determined that the proposed regulations could have adverse economic impact on small businesses, but the benefits derived in terms of pollution reduction, long-term cost savings, and the well-being of building users should outweigh the costs. No alternatives were considered, however, because the partially mandatory green building code was developed in response to the prior administration's direction for a 2010 green building code.